

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARCO DRUSKOVICH,

Plaintiff,

- against -

: NOTICE OF MOTION SEEKING  
A DISCRETIONARY EXTENSION  
: OF TIME TO EFFECT SERVICE  
  
: 25-cv-572 (CM)

MATHEW ANDREWS, et al.

Defendants.

:  
:

-----X  
MADAM:

PLEASE TAKE NOTICE that upon the July 13, 2025 Affirmation of Thomas Eddy, Esq., the prior filings and the accompanying Memorandum of Law, the undersigned will move this Court at the United States Courthouse at Courtroom 24A, 500 Pearl Street, New York, New York, NY 10007-1312 on a date suitable to the Court, for an Order pursuant to 15(a)(2) of the Federal Rules of Civil Procedure (1) permitting the complaint to be amended to reflect the correct spelling of defendant Leslie Gauvin and (2) extending the time for service of the Complaint on the now retired defendant Gauvin, as well as for such other, further and different relief as this Court may deem just, equitable and proper.

Dated: New Rochelle, New York  
July 13, 2025

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Thomas Eddy, Esq.

To: AUSA Adam Gitlin  
Office of the United States Attorney  
Southern District of New York  
646 841 4309

Zachary Kalmbach  
New York City Law Department  
100 Church Street  
New York, NY 10007  
212-356-2322

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
MARCO DRUSKOVICH,

Plaintiff,

- against -

: AFFIRMATION IN SUPPORT OF  
MOTION SEEKING PERMISSION  
TO AMEND THE COMPLAINT  
AND A DISCRETIONARY  
EXTENSION OF TIME  
TO EFFECT SERVICE

: 25-cv-572 (CM)

MATHEW ANDREWS, et al

Defendants. :

-----X  
THOMAS EDDY, an attorney duly admitted to practice law before this Court, attests, under  
penalty of perjury:

1. I am counsel to MARCO DRUSKOVICH, the plaintiff in the above-captioned civil matter and, having learned that his name as gleaned from NYPD documentation was misspelled, I submit this affirmation in support of his motion pursuant to 15(a)(2) of the Federal Rules of Civil Procedure seeking permission (1) to amend so much of the Complaint as improperly spells the name of defendant Leslie Gauvin as Leslie Gavin and (2) extending the time to effect service or seek waiver thereof on the now-retired defendant an additional 21 days from the date this motion is decided.
2. The Complaint was filed on January 21, 2025.
3. A summons for N.Y.P.D. Det. "Gavin" was issued on January 23.
4. By Order dated June 18, this Court extended the time to serve the defendants, Detective "Gavin" among them, to July 18, 2025.
5. It was not until June 20, when the Employee Resources Section of the N.Y.P.D. informed me that they had no records of "Leslie Gavin" that I had a hint of the problem. I promptly

contacted an investigator. Working from information he provided me, I made further inquiry of the Employee Resources Section and on July 11, I received confirmation that the NYPD had employed a Det. Leslie Gauvin, who had recently retired.

6. Mistakes of this kind fall squarely within the ambit of Rule 15. Barrow v. Wethersfield Police Department, 66 F.3d 466, 469 (2d Cir. 1995)(noting the Rule's purpose as allowing amendments "to correct a formal defect such as a misnomer or misidentification". This request is in keeping with the Rule's general premise that "[t]he court should freely give leave to amend when justice so requires." Fed. R. Civ. P. 15(a)(2).
7. I believe I have a current Nassau County address for Leslie Gauvin. Should the Court grant this motion, I believe that I will be able to file an amended complaint, secure a properly denominated summons and timely effect personal service.

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Thomas Eddy

Dated: July 13, 2025